

EXTRAORDINARY

PART II-Section 2

PUBLISHED BY AUTHORITY

No. 50] NEW DELHI, FRIDAY NOVEMBER, 28, 1958/AGRAHAYANA 7, 1880

LOK SABHA

The following Bills were introduced in Lok Sabha on the 28th November, 1958:—

BILL No. 95 of 1958

A bill further to amend the Code of Civil Procedure, 1908

BE it enacted by Parliament in the Ninth Year of the Republic of India as follows:

- 1. (1) This Act may be called the Code of Civil Procedure Short title (Amendment) Act, 1958.

 Act, 1958.
- 5 (2) It shall come into force at once

Act v of 1908.

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- 2. In section 100 of the Code of Civil Procedure, 1908, after clause Amendment (c) of sub-section (1), add the following clause (d):—

 of section 100.
 - "(d) If the original Court and the first appellate Court are not concurrent on findings of facts as to all or any of the issues, which are material for the decision of the case".

There is no specific provision in the Code of Civil Procedure for the admission of the second appeal in a case where the original court and the first appellate court are not concurrent on findings of facts. This is generally left to the discretion of the second appellate Court. In order to facilitate the admission of the second appeal in the above circumstances the present amendment is necessary.

NEW DELHI; VENKETRAO SRINIWASRAO NALDURGKER. The 21st August, 1958.

Bill No. 98 of 1958

A bill to amend the Hindu Adoptions and Maintenance Act, 1956

BE it enacted by Parliament in the Ninth Year of the Republic of India as follows: ---

- 1. (1) This Act may be called the Hindu Adoptions and Main-Short title and comtenance (Amendment) Act, 19 mencement.
- (2) It shall come into force at once. 5
- 2. For sub-section (3) of section 18 of the Hindu Adoptions and Amendment Maintenance Act, 1956, the following sub-section shall be substituted, namely:—
 - "(3) A Hindu wife shall not be entitled to separate residence and maintenance from her husband:— 10
 - (a) if she is unchaste;
 - (b) if she ceases to be a Hindu by conversion to another religion;
 - (c) if she consents or advises the husband marry another wife for the benefit or needs of the husband; 15
 - (d) if she deserts the husband without reasonable cause and without his consent:
 - (e) if she has left her husband's society or house without justification and refused to return to the husband for continuing her conjugal relations with the husband." 20

78 **of** 1956.

This Bill is intended to make equitable provision for disallowing unfair or harassing petitions on the part of the wife. Similar equitable provision exists in the Hindu Marriage Act of 1955 and the present amendment will bring the conditions in the Hindu Adoptions and Maintenance Act, 1956 also in line with those in that Act.

Hence this Bill.

NEW DELHI; The 25th August, 1958. N. M. WADIWA.

BILL No. 103 of 1958

A bill further to amend the Representation of the People Act, 1951.

BE it enacted by Parliament in the Ninth Year of the Republic of India as follows:—

- 1. (1) This Act may be called the Representation of the People and commendment) Act, 19
- (2) It shall come into force at once.
- 2. In section 7 of the Representation of the People Act, 1951 Amendment after clause (d) the following shall be inserted, namely:—

"Provided that this shall not apply to the execution of Local Development Works and relief works carried on no-profit-no-loss basis".

Local Development Works and Relief works on no-profit-no-loss basis are primarily meant to mobilise public co-operation in the execution of various welfare projects. Such works are financed by the Government on a matching grant basis. It is only natural to expect that elected Representatives of the People should be associated more and more with such works for effective mobilisation of public support and execution of such works. The Bill seeks to amend Section 7 of the Representation of the People Act, 1951, to provide exemption from incurring disqualification for being a member of Parliament, under such circumstances.

SURENDRA MAHANTY.

Dated 28th August, 1958.

BILL No. 110 of 1958

A bill to provide for fixation of price labels on commodities by shopkeepers.

BE it enacted by Parliament in the Ninth Year of the Republic of India as follows:

- 1. (1) This Act may be called the Shopkeepers (Fixation of Short title, extent and commence-ment.
- 5 (2) It extends to the whole of India.
 - (3) It shall come into force at once.
- 2. (1) It shall be unlawful for any person, shopkeeper or vendor Fixation of to sell, agree to sell or offer to sell any goods, in course of any on commodibusiness, to which no price label is attached bearing the seal of the ties for sale.

 TO Government of India.
 - (2) Any such person, shopkeeper or vendor shall maintain a latest printed price list of all commodities duly authenticated by the Central Government from time to time:
- (3) The price indicated on the price label attached to the goods 15 shall be the same as specified in the printed price list mentioned in sub-section (2) of this section.
- 3. Any person, shopkeeper or vendor who contravenes any of the Penalty for provisions contained in section 2 of this Act shall be punished with not affixing imprisonment for a term not exceeding 2 years or with fine not labels.

 20 exceeding one thousand rupees or with both.

The Bill is intended to establish the practice of fixing price labels on all commodities and goods exposed for sale by any person, shop-keeper or vendor so as to stop the practice of bargaining in prices which shopkeepers resort to the detriment of the customers. The Bill, therefore, provides for a speedy remedy against this prevalent social evil.

NEW DELHI;

A. M. TARIQ.

The 19th September, 1958.

BILL No. 121 of 1958

A Bill further to amend the Factories Act, 1948.

Bit it enacted by Parliament in the ninth Year of the Republic of India as follows:—

- 1. (1) This Act may be called The Factories (Amendment) Act, Short title and commencement.
- 5 (2) It shall come into force at once.

LXIII 1948. of

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- 2. For sub-section (4) of section 45 of the Factories Act, 1948 Amendment (hereinafter referred to as the principal Act), the following shall be of section substituted, namely,—
- "In every factory wherein more than two hundred workers are employed there shall be provided and maintained a dispensary containing all necessary equipment, medicines, etc., and in the charge of a well qualified doctor and all the medicines will be provided free to the workers and their dependents."
- 3. Clause (b) of sub-section 3 of section 47 of the principal Act Amendment of section 47.
 - 4. After section 47 of the principal Act, the following new sections Insertion of new sections will be inserted,—

 47A, 47B
 and 47C.
 - "47A. In every factory wherein more than two hundred Provision for workers are employed; every worker shall be provided housing accommodation:

 modation.

Provided that in factories where there is not sufficient number of quarters, the workers who are not provided quarters shall be paid one-tenth amount of the basic salary as "house rent allowance."

Provision for Library containing labour Acts. 47B. In every factory wherein one hundred and fifty or more 5 workers are ordinarily employed adequate and suitable library containing all labour Acts in simple regional language shall be provided and maintained.

Provision for a primary school for the children of workers. 47C. In every factory wherein five hundred or more workers are ordinarily employed there shall be provided and maintained to a Primary School, where the children of the workers shall be provided free education."

STATEMEN'T OF OBJECTS AND REASONS

Under the present Act, there is no proper and suitable provision for medical and educational facilities for the workers and their dependents. The workers are not also provided quarters.

The purpose of the present Bill is to provide such amenities to the workers and their dependents.

New Delhi; The 17th October, 1958. RAM KRISHAN.

FINANCIAL MEMORANDUM

Under the present Act, there is no proper and suitable provision for medical and educational facilities for the workers and their dependents. The workers are not also provided quarters. The purpose of the present Bill is to provide such amenities to the workers and their dependents.

As the Factories Act applies to the factories owned by the Government also, the grant of further amenities to the workers will mean more expenditure from the consolidated fund of India.

It is not possible at this stage to estimate the actual expenditure which is likely to be incurred but it may be roughly one lakh of rupees per year.

BILL No. 115 of 1958

A Bill further to amend the Representation of the People Act, 1951.

BE it enacted by Parliament in the Ninth Year of the Republic of India as follows:—

- 1. (1) This Act may be called the Representation of the People Short title (Amendment) Act, 1958.

 Called the Representation of the People Short title and commencement,
- 5 (2) It shall come into force at once.
 - 2. In clause (d) of section 30 of the Representation of the People Amendment of section Act, 1951 (hereinafter referred to as the principal Act), for the word 30. "twentieth" the word "fifteenth" shall be substituted.
 - 3. Section 55A of the principal Act shall be omitted.

Omission of section 55A.

- 4. In section 78 of the principal Act, for the word "thirty" the Amendment of section word "fifteen" shall be substituted.
 - 5. In section 85 of the principal Act:-

Amendment of section

- (i) After the figure and word "82 or" the figure and words 85. "section 83 or" shall be inserted.
- 15 (ii) The proviso shall be omitted.
 - 6. In the principal Act, unless otherwise expressly provided, for Substitution the word "Tribunal", wherever it occurs, the word "Court" shall be of 'court' for 'tribunal', unbstituted,

Amendment of section 86.

- 7. (1) For sub-section (2) of section 86 of the principal Act, the following sub-section shall be substituted, namely,—
 - "(2) for the purpose of setting up such courts for each State (other than Jammu and Kashmir) the Election Commission shall obtain from the Supreme Court of India a list of persons who are High Court Judges in the States and are in the opinion of the Supreme Court fit to be appointed as Judges of Election Courts, and shall maintain the List by making such alterations therein as the Supreme Court may from time to time direct.

Explanation.—In this sub-section, the expression "High Court Judges" includes retired Judges of High Courts."

(2) Sub-section (3) of section 86 of the principal Act shall be omitted.

Amendment of section 90.

- 8. (1) In sub-section (3) of section 90 of the principal Act, after 15 the figure and word "82 or" the figure and words "section 83 or" shall be inserted.
- (2) sub-section (4) of section 90 of the principal Act shall be omitted.

Substitution 9. For section 116A of the principal Act, the following section 20 of section shall be substituted, namely,—
116A.

"116A. The decision of the Election Court shall be final and conclusive."

Omission of section 116B.

10. Section 116B of the principal Act shall be omitted.

Under the present Act, District Judges are appointed as Election Tribunals in their own State by the Election Commission. The Judges are under the control of the State Government.

Many Election petitions are not dismissed by the Election Commission under section 85. The procedure of trial of election petition is also complicated and takes long time.

The purpose of the present Bill is to remove the aforesaid shortcomings so that an election petition may be decided within shortest period equitably and expeditiously.

New Delhi; The 17th October, 1958. RAM KRISHAN.

BILL No. 112 of 1958

A Bill further to amend the Indian Trade Unions Act, 1926.

Be it enacted by Parliament in the Ninth Year of the Republic of India as follows:—

Short title 1. (1) This Act may be called The Indian Trade Unions (Amendand commencement. ment) Act, 195

(2) It shall come into force at once-

XVI of 1926.

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Amendment

- 2. Section 8 of the Indian Trade Unions Act, 1926 shall be renumof section 8. bered as sub-section (1) and after sub-section (1) as so renumbered, the following sub-section shall be inserted, namely:-
 - "(2) A Trade Union shall not be entitled to registration under this Act, unless the membership of the Trade Union is not 10 less than one third of the total number of workers employed in the Factory."

Under the present Act, any seven workers can form a union and can get it registered. The result is that many bogus unions are formed. Some of them even play in the hands of employers. It also gives a chance to the political parties to exploit them and the unity of the workers is disrupted.

The purpose of the present Bill is to put restriction on the registration of unions so that these shortcomings may be removed and no bogus union may be formed.

New Delhi; The 17th October, 1958. RAM KRISHAN.

BILL No. 119 of 1958

A Bill further to amend the Salaries and Allowances of Members of Parliament Act, 1954.

BE it enacted by Parliament in the Ninth Year of the Republic of India as follows:—

Short title and com-

- 1. (1) This Act may be called the Salaries and Allowances of mencement, Members of Parliament (Amendment) Act, 1958.
 - (2) It shall come into force at once.

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Amendment of section 8.

- 2. (1) In section 8 of the Salaries and Allowances of Members of Parliament Act, 1954 (hereinafter referred to as the principal Act), for the words "telephone and postal" the words "and telephone" shall be substituted.
- 30 of 1954.
- (2) Section 8 of the principal Act shall be renumbered as sub- 10 section (2) of section 8 thereof, and before sub-section (2) as so renumbered, the following sub-section (1) shall be inserted, namely,--
 - "(1) Every member shall be provided free postal, stationery and typing facilities."

Under the present Act the Members of Parliament are not provided any kind of postal, stationery and typing facilities.

The purpose of this Bill is to provide such amenities to the Members of Parliament so that they may be able to do more parliamentary work within minimum period.

NEW DELHI; The 17th October, 1958. RAM KRISHAN.

FINANCIAL MEMORANDUM

The object of the Bill is to provide postal, stationery and typing facilities to the Members of Parliament.

It is, however, not possible at this stage to estimate the actual expenditure which is likely to be incurred but, in any case, it is not likely to be substantial.

BILL No. 118 of 1958

A Bill to set up Managing Councils in Industrial concerns for participation of labour in management.

BE it enacted by Parliament in the Ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Managing Council Act, 1958.

Short title and commencement

(2) It shall come into force at once.

5 2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "appropriate Government", "employer" and "industrial dispute" have meanings assigned to them respectively in the Industrial Disputes Act, 1947.

XIV of 1947.

(b) "Trade Union" has the meaning assigned to it in Indian Trade Unions Act, 1926.

XVI of 1926. 10

LXIII of 1948.

(c) "Worker" has the meaning assigned to it in the Factories Act, 1948.

3. (1) In the case of any industrial establishment in which one Constitution hundred or more workers are employed or have been employed on of Managing Councils in 15 any day in the preceding twelve months, the appropriate Governirdustrial ment shall by general or special order, require the employer to constitute a Managing Council consisting of representatives of employers and workers engaged in the establishment within three months from the date of the order:

Provided that the number of representatives of workers on the Council shall not be less than the number of representatives of the employers:

Provided further that the number of members of the said Council shall not be less than four and more than twelve.

(2) The representatives of the workers shall be chosen in the establishment, general meeting of the workers employed in the presided over by labour inspector and in consultation with their trade union, if any, registered under the Indian Trade Unions Act, 1926.

XVI of 1926.

Powers and functions of ing Council.

- 4. (1) It shall be the duty of the Managing Council to promote the Manage measures for securing and preserving amity and good relations between the employers and workmen and to that end to decide matters of their common interest or concern and endeavour 15 compose any difference of opinion in respect of such matters.
 - (2) Subject to the provisions of this section, the managing council shall be entitled to exercise all such powers as the employer is authorised to exercise and to do all such acts and things as the employer is authorised to do in the matters of production, workers' amenities and facilities provided under the various provisions of the 20 Factories Act, 1948 and any matter of common interest:

LXIII of 1948.

Provided that it shall have no say in the purchase or sale of any goods or property on behalf of the industrial establishment but all accounts will be placed in the meeting of the Managing Council.

(3) The Managing Council shall decide all industrial disputes 25 provided in the schedules of Industrial Disputes Act, 1947, unanimous decision of the Council shall be final and binding upon all the parties and no appeal shall lie against the orders of the Council.

XIV of 1947.

(4) Where the dispute is not settled, the Managing Council may 30 in writing refer it to a Tribunal for adjudication, the decision of which shall be binding and no appeal shall lie against the order of Tribunal.

5. (1) At least one meeting of Managing Council shall be held Meetings of the Manag-ing Council in a month. 35

- (2) The quorum in the meeting shall be one third of the total number of members of the Managing Council.
- (3) The representatives of employers and workmen shall preside over the meetings of the Managing Council by rotation.

The purpose of the present Bill is to establish Managing Councils consisting of employers and employees in industrial establishments, which will promote measures for securing and preserving amity and good relations between the employers and employees and shall decide all matters of common interest. They shall also try to resolve differences between the two parties as far as possible.

Besides, the Councils will manage all matters of the industrial establishments in respect of production, workers' amenities and facilities.

The Council will also decide all disputes between employer and employees and its decision shall be final.

NEW DELHI; The 25th October, 1958. RAM KRISHAN.

BILL No. 114 of 1958

A Bill further to amend the Companies Act, 1956.

BE it enacted by Parliament in the Ninth Year of the Republic of India as follows:—

Short title and commencement.

- 1. (1) This Act may be called The Companies (Amendment) Act, 1958.
 - (2) It shall come into force at once.

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I of 1956.

Insertion of new section 43A.

- 2. After section 43 of the Companies Act, 1956 (hereinafter referred to as the principal Act), the following new section shall be inserted:
 - "43A. If a company, being a Public Company alters its articles in such a manner that it becomes a private company, the company so altered shall cease to be entitled to the privileges and exemptions conferred on private companies by or under this Act, and this Act shall apply to the company so altered as if it were not a private company."

Amendment of section 224.

- 3. In sub-section (1) of section 224 of the principal Act:—
 - (i) for the words "appoint auditor or auditors" the words "select an auditor or auditors" shall be substituted; and
 - (ii) the words "and shall send the names of auditor or auditors so selected for appointment to the Central Gov- 20 ernment for approval" shall be added at the end.

4. In clause (a) of section 237 of the principal Act after the Amendment words "to report thereon", the words "within three months" shall of section be inserted.

5. In sub-section (1) of section 247 of the principal Act, after the Amendment 5 words "and report", the words "within six months" shall be insert- 247. ed

6. In section 250 of the principal Act, sub-sections (3) and (4) shall be omitted.

Amendment of section 250.

7. After section 250 of the principal Act, the following new sec- new section 10 tion shall be inserted, namely:-

Insertion of 250A.

"250A. Prosecution: If from any report made under sections 247, 248 and 249 above, it appears to the Central Government that any person other than a shareholder has been financially interested in the success or failure of the company or has been controlling or materially influenc-15 ing the company or any person or persons are found having an interest in company or in body corporate or firm acting as Managing Agent, or body corporate, firm or individual is found as associate of the Managing Agent, Secretaries, and treasurers of a company the 20 Central Government may after taking such legal advice as it thinks fit prosecute such person or persons or firm or body corporate for the offence, and it may cease the interest so held."

8. In section 275 of the principal Act, for the word "twenty", of section wherever it occurs, the word "five" shall be substituted.

Amendment 275.

9. In section 332 of the principal Act, for the word "ten", wher- of section ever it occurs, the word "three" shall be substituted.

Amendment 332.

Under the present Act, Private companies are exempted from the restrictions imposed on public companies and are also entitled to certain privileges to which the public companies are not entitled. The result is that an increasing number of public companies are converting themselves into private companies. The purpose of this Bill is to discourage this tendency.

- 2. At present, the auditors are solely appointed by the companies and are therefore under their influence. To ensure proper auditing of the accounts of a company, this Bill seeks to provide that the auditors selected by companies will have to be approved by the Central Government.
- 3. At present no time limit has been laid down for the inspectors to send their reports with the result that the investigation takes too long. The Bill seeks to fix time limits for the purpose.
- 4. There is at present no provision for prosecution of any person allegations against whom have been proved under sections 247, 248 and 249. The Bill seeks to provide for this.
- 5. Under the present Act, a Director or Managing Agent can become Director of twenty and Managing Agent of ten companies respectively, at a time. The purpose of this amendment is to reduce the number.

New Delhi; The 25th October, 1958

RAM KRISHAN.

M. N. KAUL,
Secretary.